

# EXHIBIT B

Ernest P. Fronzuto, Esq.- 02835-1997

**FRONZUTO LAW GROUP**

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Attorneys for Plaintiffs, Fergie Rivera-Romero, Administratrix of the Estate of Elizabeth Rivera, deceased, and Fergie Rivera-Romero and Anthony Rivera, individually

File No.: 011.1998

FERGIE RIVERA-ROMERO, Administratrix  
of the Estate of ELIZABETH RIVERA,  
deceased, and FERGIE RIVERA-ROMERO  
and ANTHONY RIVERA, individually

*Plaintiffs,*

v.

JANICE TAITEL, M.D.; VANESSA  
SAMEDI, M.D.; ZUFALL HEALTH  
CENTER; ZHC DOVER MEDICAL;  
WILLIAM CARLE, M.D.; JULIA WALTER,  
R.N.; KEITH ZDZIARSKI, R.N.;  
HACKETTSTOWN MEDICAL CENTER;  
JOHN DOES 1-10 (fictitious names  
representing unknown individuals); and ABC  
CORPORATIONS 1-10 (fictitious names  
representing unknown entities),

*Defendants.*

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MORRIS COUNTY

DOCKET NO.:

CIVIL ACTION

**COMPLAINT AND JURY DEMAND**

Plaintiffs, FERGIE RIVERA-ROMERO, Administratrix of the Estate of ELIZABETH RIVERA, deceased, and FERGIE RIVERA-ROMERO and ANTHONY RIVERA, individually, residing at 67 Drakestown Road in the Township of Hackettstown, County of Warren, and State of New Jersey, by way of Complaint against the above-named Defendants, do hereby state:

### **FACTUAL BACKGROUND**

1. At all times hereinafter mentioned, Defendant, VANESSA SAMEDI, M.D., was/is a physician licensed to practice medicine in the State of New Jersey, practicing her profession at 18 W. Blackwell Street in the Township of Dover, County of Morris, and State of New Jersey.

2. At all times hereinafter mentioned, Defendant, JANICE TAITEL, M.D., was/is a physician licensed to practice medicine in the State of New Jersey, practicing her profession at 18 W. Blackwell Street in the Township of Dover, County of Morris, and State of New Jersey.

3. At all times hereinafter mentioned, Defendant, ZUFALL HEALTH CENTER, was/is a professional association organized under the laws of the State of New Jersey, as a medical practice in the field of Pediatrics located at 18 W. Blackwell Street in the Township of Dover, County of Morris, and State of New Jersey.

4. At all times hereinafter mentioned, Defendant, ZHC DOVER MEDICAL., was/is a professional association organized under the laws of the State of New Jersey, as a medical practice in the field of Pediatrics, located at 18 W. Blackwell Street in the Township of Dover, County of Morris, and State of New Jersey.

5. At all times hereinafter mentioned, Defendant, WILLIAM CARLE, M.D., was/is a physician licensed to practice medicine in the State of New Jersey, practicing his profession at Defendant, HACKETTSTOWN MEDICAL CENTER, located at 651 Willow Grove Street in the Township of Hackettstown, County of Warren, and State of New Jersey.

6. At all times hereinafter mentioned, Defendant, JULIA WALTER, R.N., was/is a registered nurse licensed in the State of New Jersey, practicing her profession at Defendant, HACKETTSTOWN MEDICAL CENTER, located at 651 Willow Grove Street in the Township of Hackettstown, County of Warren, and State of New Jersey.

7. At all times hereinafter mentioned, Defendant, KEITH ZDZIARSKI, R.N., was/is a registered nurse licensed in the State of New Jersey, practicing his profession at Defendant,

HACKETTSTOWN MEDICAL CENTER, located at 651 Willow Grove Street in the Township of Hackettstown, County of Warren, and State of New Jersey.

8. At all times hereinafter mentioned, Defendant, HACKETTSTOWN MEDICAL CENTER, was/is a hospital organized under the laws of the State of New Jersey providing medical care and services to individuals and the public at large.

9. At all times hereinafter mentioned, Defendants, JOHN DOES 1-10, is a fictitious name representing unknown physicians or other health care providers who assisted in, attended to, and/or were responsible for rendering medical services, care, and/or treatment to Plaintiffs' decedent, ELIZABETH RIVERA, in connection with the condition referred herein.

10. At all times hereinafter mentioned, Defendants, ABC CORPORATIONS 1-10, is a fictitious name representing an unknown entity or entities, who assisted in, attended to, and/or otherwise rendered medical services, care, and/or treatment to Plaintiffs' decedent, ELIZABETH RIVERA, in connection with the condition referred herein.

11. On February 14, 2018, Plaintiff's decedent, ELIZABETH RIVERA, was brought to Defendant, ZUFALL HEALTH CENTER and/or ZHC DOVER MEDICAL, and seen by Defendant, JANICE TAITEL, M.D., with medical complaints, including, but not limited to high fever, congestion, cough.

12. On February 18, 2018, Plaintiff's decedent, ELIZABETH RIVERA, was brought to Defendant, HACKETTSTOWN MEDICAL CENTER, and seen by Defendants, WILLIAM CARLE, M.D., JULIA WALTER, R.N. and KEITH ZDZIARSKI, R.N. with medical complaints, including, but not limited to high fever, congestion, cough, labored breathing, and decreased appetite.

13. Plaintiff's decedent, ELIZABETH RIVERA returned to Defendant, ZUFALL HEALTH CENTER and/or ZHC DOVER MEDICAL, and at that time was seen by Defendant, VANESSA

SAMEDI, M.D., with medical complaints, including, but not limited to high fever, congestion, cough, labored breathing, and decreased appetite.

14. On February 21, 2018, Plaintiff's decedent, ELIZABETH RIVERA was found unresponsive and unconscious in her crib.

15. On February 21, 2018, Plaintiff's decedent, ELIZABETH RIVERA was pronounced dead on arrival at Defendant, HACKETTSTOWN MEDICAL CENTER.

### **FIRST COUNT**

1. Plaintiffs repeat each and every allegation set forth in the Factual Background above as if same were set forth at length herein.

2. The Defendant, JANICE TAITEL, M.D., deviated from the accepted standards of medical care and was negligent in that she:

- a. Failed to exercise ordinary care in the diagnosis and treatment of Plaintiffs' decedent's condition and/or in rendering services to Plaintiff in connection with the aforementioned condition;
- b. Failed to exercise the degree of care and skill commonly exercised by other physicians, nurses, and/or attendants;
- c. Failed to warn and/or advise Plaintiffs' decedent of her condition in a timely and diligent manner;
- d. Failed to warn and/or advise Plaintiffs' decedent of certain risks and treatment alternatives;
- e. Failed to properly manage Plaintiffs' decedent's condition; and
- f. Was otherwise negligent.

3. As a direct and proximate result of the negligence of Defendant, JANICE TAITEL, M.D., Plaintiff's decedent, ELIZABETH RIVERA endured conscious pain and suffering, disability,

impairment, loss of enjoyment of life, fear of impending death, and otherwise sustained permanent injuries that caused her death.

4. As a direct and proximate result of the negligence of Defendant, JANICE TAITEL, M.D., the Estate of ELIZABETH RIVERA, was responsible for hospital, medical, funeral, and/or other expenses related to her death.

5. As a direct and proximate result of the negligence of Defendant, JANICE TAITEL, M.D., the survivors of Plaintiff's decedent, ELIZABETH RIVERA, have suffered pecuniary and other injuries, including, but not limited to, loss of financial support, companionship, advice, and guidance.

**WHEREFORE**, Plaintiff, FERGIE RIVERA-ROMERO, Administratrix of the Estate of ELIZABETH RIVERA, deceased, demands judgment against the Defendant, JANICE TAITEL, M.D., jointly and/or severally, for damages, interest, attorneys' fees, and costs of suit.

### **SECOND COUNT**

1. Plaintiffs repeat each and every allegation set forth in the Factual Background and First Count above as if same were set forth at length herein.

2. The Defendant, VANESSA SAMEDI, M.D., deviated from the accepted standards of medical care and was negligent in that she:

- a. Failed to exercise ordinary care in the diagnosis and treatment of Plaintiffs' decedent's condition and/or in rendering services to Plaintiff in connection with the aforementioned condition;
- b. Failed to exercise the degree of care and skill commonly exercised by other physicians, nurses, and/or attendants;
- c. Failed to warn and/or advise Plaintiffs' decedent of her condition in a timely and diligent manner;

- d. Failed to warn and/or advise Plaintiffs' decedent of certain risks and treatment alternatives;
- e. Failed to properly manage Plaintiffs' decedent's condition; and
- f. Was otherwise negligent.

3. As a direct and proximate result of the negligence of Defendant, VANESSA SAMEDI, M.D., Plaintiffs' decedent, ELIZABETH RIVERA endured conscious pain and suffering, disability, impairment, loss of enjoyment of life, fear of impending death, and otherwise sustained permanent injuries that caused her death.

4. As a direct and proximate result of the negligence of Defendant, VANESSA SAMEDI, M.D., the Estate of ELIZABETH RIVERA, was responsible for hospital, medical, funeral, and/or other expenses related to her death.

5. As a direct and proximate result of the negligence of Defendant, VANESSA SAMEDI, M.D., the survivors of Plaintiff's decedent, ELIZABETH RIVERA, have suffered pecuniary and other injuries, including, but not limited to, loss of financial support, companionship, advice, and guidance.

**WHEREFORE**, Plaintiff, FERGIE RIVERA-ROMERO, Administratrix of the Estate of ELIZABETH RIVERA, deceased, demands judgment against the Defendant, VANESSA SAMEDI, M.D., jointly and/or severally, for damages, interest, attorneys' fees, and costs of suit.

### **THIRD COUNT**

1. Plaintiffs repeat each and every allegation of the Factual Background, First, and Second Counts as if same were set forth at length herein.

2. Defendant, ZUFALL HEALTH CENTER, directly, and/or by and through its agents, servants, and/or employees, examined Plaintiff's decedent, ELIZABETH RIVERA and otherwise

rendered treatment and/or other medical services to Plaintiff's decedent in connection with the complained of conditions.

3. Defendant, ZUFALL HEALTH CENTER, directly, and/or by and through its agents, servants, and/or employees, including but not limited to, Defendant(s), JANICE TAITEL, M.D. and/or VANESSA SAMEDI, M.D., was negligent in that it:

- a. Deviated from accepted standards of medical care;
- b. Failed to exercise the degree of skill and care commonly exercised by other entities and/or medical practices providing similar medical services, surgery, and/or treatment of patients;
- c. Failed to properly select, train, and/or supervise its agents, servants, and/or employees;
- d. Was otherwise negligent.

4. In addition to the direct claims against Defendant, ZUFALL HEALTH CENTER, referenced herein, the other described activities of Defendant, ZUFALL HEALTH CENTER, by and through its agents, servants, and/or employees, including but not limited to, Defendant(s), JANICE TAITEL, M.D. and/or VANESSA SAMEDI, M.D., and the injuries and damages that Plaintiffs' decedent, ELIZABETH RIVERA, has sustained from the aforementioned negligent conduct, is the responsibility of Defendant, ZUFALL HEALTH CENTER, under the principles of vicarious liability and/or *respondeat superior*.

5. As a direct and proximate result of the negligence of Defendant, ZUFALL HEALTH CENTER, Plaintiffs' decedent, ELIZABETH RIVERA endured conscious pain and suffering, disability, impairment, loss of enjoyment of life, fear of impending death, and otherwise sustained permanent injuries that caused her death.

6. As a direct and proximate result of the negligence of Defendant, ZUFALL HEALTH CENTER, the Estate of ELIZABETH RIVERA, was responsible for hospital, medical, funeral, and/or other expenses related to her death.



7. As a direct and proximate result of the negligence of Defendant, ZUFALL HEALTH CENTER, the survivors of Plaintiff's decedent, ELIZABETH RIVERA, have suffered pecuniary and other injuries, including, but not limited to, loss of financial support, companionship, advice, and guidance.

**WHEREFORE**, Plaintiff, FERGIE RIVERA-ROMERO, Administratrix of the Estate of ELIZABETH RIVERA, deceased, demands judgment against the Defendant, ZUFALL HEALTH CENTER, jointly and/or severally, for damages, interest, attorneys' fees, and costs of suit.

#### **FOURTH COUNT**

1. Plaintiffs repeat each and every allegation of the Factual Background, First, Second and Third Counts as if same were set forth at length herein.

2. Defendant, ZHC DOVER MEDICAL, directly, and/or by and through its agents, servants, and/or employees, examined Plaintiff's decedent, ELIZABETH RIVERA and otherwise rendered treatment and/or other medical services to Plaintiff's decedent in connection with the complained of conditions.

3. Defendant, ZHC DOVER MEDICAL, directly, and/or by and through its agents, servants, and/or employees, including but not limited to, Defendants, JANICE TAITEL, M.D. and/or VANESSA SAMEDI, M.D., was negligent in that it:

- a. Deviated from accepted standards of medical care;
- b. Failed to exercise the degree of skill and care commonly exercised by other entities and/or medical practices providing similar medical services, surgery, and/or treatment of patients;
- c. Failed to properly select, train, and/or supervise its agents, servants, and/or employees;
- d. Was otherwise negligent.

4. In addition to the direct claims against Defendant, ZHC DOVER MEDICAL, referenced herein, the other described activities of Defendant, ZHC DOVER MEDICAL, by and through its agents, servants, and/or employees, including but not limited to, Defendants, JANICE TAITEL, M.D. and/or VANESSA SAMEDI, M.D., and the injuries and damages that Plaintiffs' decedent, ELIZABETH RIVERA, has sustained from the aforementioned negligent conduct, is the responsibility of Defendant, ZHC DOVER MEDICAL, under the principles of vicarious liability and/or *respondeat superior*.

5. As a direct and proximate result of the negligence of Defendant, ZHC DOVER MEDICAL, Plaintiffs' decedent, ELIZABETH RIVERA endured conscious pain and suffering, disability, impairment, loss of enjoyment of life, fear of impending death, and otherwise sustained permanent injuries that caused her death.

6. As a direct and proximate result of the negligence of Defendant, ZHC DOVER MEDICAL, the Estate of ELIZABETH RIVERA, was responsible for hospital, medical, funeral, and/or other expenses related to her death.

7. As a direct and proximate result of the negligence of Defendant, ZHC DOVER MEDICAL, the survivors of Plaintiff's decedent, ELIZABETH RIVERA, have suffered pecuniary and other injuries, including, but not limited to, loss of financial support, companionship, advice, and guidance.

#### **FIFTH COUNT**

1. Plaintiffs repeat each and every allegation of the Factual Background, First, Second, Third and Fourth Counts as if same were set forth at length herein.

2. The Defendant, WILLIAM CARLE, M.D., deviated from the accepted standards of medical care and was negligent in that he:

- a. Failed to exercise ordinary care in the diagnosis and treatment of Plaintiffs' decedent's condition and/or in rendering services to Plaintiff in connection with the aforementioned condition;
- b. Failed to exercise the degree of care and skill commonly exercised by other physicians, nurses, and/or attendants;
- c. Failed to warn and/or advise Plaintiffs' decedent of her condition in a timely and diligent manner;
- d. Failed to warn and/or advise Plaintiffs' decedent of certain risks and treatment alternatives;
- e. Failed to properly manage Plaintiffs' decedent's condition; and
- f. Was otherwise negligent.

3. As a direct and proximate result of the negligence of Defendant, WILLIAM CARLE, M.D., Plaintiffs' decedent, ELIZABETH RIVERA endured conscious pain and suffering, disability, impairment, loss of enjoyment of life, fear of impending death, and otherwise sustained permanent injuries that caused her death.

4. As a direct and proximate result of the negligence of Defendant, WILLIAM CARLE, M.D., the Estate of ELIZABETH RIVERA, was responsible for hospital, medical, funeral, and/or other expenses related to her death.

5. As a direct and proximate result of the negligence of Defendant, WILLIAM CARLE, M.D., the survivors of Plaintiff's decedent, ELIZABETH RIVERA, have suffered pecuniary and other injuries, including, but not limited to, loss of financial support, companionship, advice, and guidance.

**WHEREFORE**, Plaintiff, FERGIE RIVERA-ROMERO, Administratrix of the Estate of ELIZABETH RIVERA, deceased, demands judgment against the Defendant, WILLIAM CARLE, M.D., jointly and/or severally, for damages, interest, attorneys' fees, and costs of suit.

### **SIXTH COUNT**

1. Plaintiffs repeat each and every allegation of the Factual Background, First, Second, Third, Fourth and Fifth Counts as if same were set forth at length herein.

2. The Defendant, JULIA WALTER, R.N., deviated from the accepted standards of medical care and was negligent in that she:

- a. Failed to exercise ordinary care in the diagnosis and treatment of Plaintiffs' decedent's condition and/or in rendering services to Plaintiff in connection with the aforementioned condition;
- b. Failed to exercise the degree of care and skill commonly exercised by other physicians, nurses, and/or attendants;
- c. Failed to warn and/or advise Plaintiffs' decedent of her condition in a timely and diligent manner;
- d. Failed to warn and/or advise Plaintiffs' decedent of certain risks and treatment alternatives;
- e. Failed to properly manage Plaintiffs' decedent's condition; and
- f. Was otherwise negligent.

3. As a direct and proximate result of the negligence of Defendant, JULIA WALTER, R.N., Plaintiffs' decedent, ELIZABETH RIVERA endured conscious pain and suffering, disability, impairment, loss of enjoyment of life, fear of impending death, and otherwise sustained permanent injuries that caused her death.

4. As a direct and proximate result of the negligence of Defendant, JULIA WALTER, R.N., the Estate of ELIZABETH RIVERA, was responsible for hospital, medical, funeral, and/or other expenses related to her death.

5. As a direct and proximate result of the negligence of Defendant, JULIA WALTER, R.N., the survivors of Plaintiff's decedent, ELIZABETH RIVERA, have suffered pecuniary and other

injuries, including, but not limited to, loss of financial support, companionship, advice, and guidance.

**WHEREFORE**, Plaintiff, FERGIE RIVERA-ROMERO, Administratrix of the Estate of ELIZABETH RIVERA, deceased, demands judgment against the Defendant, JULIA WALTER, R.N., jointly and/or severally, for damages, interest, attorneys' fees, and costs of suit.

### **SEVENTH COUNT**

1. Plaintiffs repeat each and every allegation of the Factual Background, First, Second, Third, Fourth, Fifth and Sixth Counts as if same were set forth at length herein.

2. The Defendant, KEITH ZDZIARSKI, R.N., deviated from the accepted standards of medical care and was negligent in that he:

- a. Failed to exercise ordinary care in the diagnosis and treatment of Plaintiffs' decedent's condition and/or in rendering services to Plaintiff in connection with the aforementioned condition;
- b. Failed to exercise the degree of care and skill commonly exercised by other physicians, nurses, and/or attendants;
- c. Failed to warn and/or advise Plaintiffs' decedent of her condition in a timely and diligent manner;
- d. Failed to warn and/or advise Plaintiffs' decedent of certain risks and treatment alternatives;
- e. Failed to properly manage Plaintiffs' decedent's condition; and
- f. Was otherwise negligent.

3. As a direct and proximate result of the negligence of Defendant, KEITH ZDZIARSKI, R.N., Plaintiffs' decedent, ELIZABETH RIVERA endured conscious pain and suffering, disability, impairment, loss of enjoyment of life, fear of impending death, and otherwise sustained permanent injuries that caused her death.

4. As a direct and proximate result of the negligence of Defendant, KEITH ZDZIARSKI, R.N., the Estate of ELIZABETH RIVERA, was responsible for hospital, medical, funeral, and/or other expenses related to her death.

5. As a direct and proximate result of the negligence of Defendant, KEITH ZDZIARSKI, R.N., the survivors of Plaintiff's decedent, ELIZABETH RIVERA, have suffered pecuniary and other injuries, including, but not limited to, loss of financial support, companionship, advice, and guidance.

**WHEREFORE**, Plaintiff, FERGIE RIVERA-ROMERO, Administratrix of the Estate of ELIZABETH RIVERA, deceased, demands judgment against the Defendant, KEITH ZDZIARSKI, R.N., jointly and/or severally, for damages, interest, attorneys' fees, and costs of suit.

#### **EIGHTH COUNT**

1. Plaintiffs repeat each and every allegation of the Factual Background, First, Second, Third, Fourth, Fifth, Sixth and Seventh Counts as if same were set forth at length herein.

2. Defendant, HACKETTSTOWN MEDICAL CENTER, directly, and/or by and through its agents, servants, and/or employees, examined Plaintiff's decedent, ELIZABETH RIVERA and otherwise rendered treatment and/or other medical services to Plaintiff's decedent in connection with the complained of conditions.

3. Defendant, HACKETTSTOWN MEDICAL CENTER, directly, and/or by and through its agents, servants, and/or employees, including but not limited to, Defendants, WILLIAM CARLE, M.D., JULIA WALTER, R.N. and KEITH ZDZIARSKI, R.N. was negligent in that it:

a. Deviated from accepted standards of medical care;

- b. Failed to exercise the degree of skill and care commonly exercised by other entities and/or medical practices providing similar medical services, surgery, and/or treatment of patients;
- c. Failed to properly select, train, and/or supervise its agents, servants, and/or employees;
- d. Was otherwise negligent.

4. In addition to the direct claims against Defendant, HACKETTSTOWN MEDICAL CENTER, referenced herein, the other described activities of Defendant, HACKETTSTOWN MEDICAL CENTER, by and through its agents, servants, and/or employees, including but not limited to, Defendants, WILLIAM CARLE, M.D., JULIA WALTER, R.N. and KEITH ZDZIARSKI, R.N., and the injuries and damages that Plaintiffs' decedent, ELIZABETH RIVERA, has sustained from the aforementioned negligent conduct, is the responsibility of Defendant, HACKETTSTOWN MEDICAL CENTER, under the principles of vicarious liability and/or *respondeat superior*.

5. As a direct and proximate result of the negligence of Defendant, HACKETTSTOWN MEDICAL CENTER, Plaintiffs' decedent, ELIZABETH RIVERA endured conscious pain and suffering, disability, impairment, loss of enjoyment of life, fear of impending death, and otherwise sustained permanent injuries that caused her death.

6. As a direct and proximate result of the negligence of Defendant, HACKETTSTOWN MEDICAL CENTER, the Estate of ELIZABETH RIVERA, was responsible for hospital, medical, funeral, and/or other expenses related to her death.

7. As a direct and proximate result of the negligence of Defendant, HACKETTSTOWN MEDICAL CENTER, the survivors of Plaintiff's decedent, ELIZABETH RIVERA, have suffered pecuniary and other injuries, including, but not limited to, loss of financial support, companionship, advice, and guidance.

**WHEREFORE**, Plaintiff, FERGIE RIVERA-ROMERO, Administratrix of the Estate of ELIZABETH RIVERA, deceased, demands judgment against the Defendant, HACKETTSTOWN MEDICAL CENTER, jointly and/or severally, for damages, interest, attorneys' fees, and costs of suit.

### **NINTH COUNT**

1. Plaintiffs repeat each and every allegation of the Factual Background, First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Counts as if same were set forth at length herein.

2. Defendants, JOHN DOES 1-10, deviated from the accepted standards of medical care and were negligent in that they:

- a. Failed to exercise ordinary care in the diagnosis and treatment of Plaintiff's condition and/or in rendering services to Plaintiffs' decedent in connection with the aforementioned condition;
- b. Failed to exercise the degree of care and skill commonly exercised by other physicians, nurses, and/or attendants;
- c. Failed to warn and/or advise Plaintiffs' decedent of her condition in a timely and diligent manner;
- d. Failed to warn and/or advise Plaintiffs' decedent of certain risks and treatment alternatives in order that Plaintiff might provide informed consent;
- e. Failed to properly manage Plaintiff's decedent's condition; and
- f. Were otherwise negligent.

3. As a direct and proximate result of the negligence of Defendants, JOHN DOES 1-10, Plaintiffs' decedent, ELIZABETH RIVERA endured conscious pain and suffering, disability, impairment, loss of enjoyment of life, fear of impending death, and otherwise sustained permanent injuries that caused her death.



4. As a direct and proximate result of the negligence of Defendants, JOHN DOES 1-10, the Estate of ELIZABETH RIVERA, was responsible for hospital, medical, funeral, and/or other expenses related to her death.

5. As a direct and proximate result of the negligence of Defendants, JOHN DOES 1-10, the survivors of Plaintiff's decedent, ELIZABETH RIVERA, have suffered pecuniary and other injuries, including, but not limited to, loss of financial support, companionship, advice, and guidance.

**WHEREFORE**, Plaintiff, FERGIE RIVERA-ROMERO, Administratrix of the Estate of ELIZABETH RIVERA, deceased, demands judgment against Defendants, JOHN DOES 1-10, jointly and/or severally, for damages, interest, attorneys' fees, and costs of suit.

#### **TENTH COUNT**

1. Plaintiffs repeat each and every allegation of the Factual Background, First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Counts as if same were set forth at length herein.

2. Defendants, ABC CORPORATIONS 1-10, directly, and/or by and through their agents, servants, and/or employees, examined Plaintiffs' decedent, ELIZABETH RIVERA, and/or otherwise rendered treatment and/or other medical services to Plaintiff in connection with the complained of condition.

3. Defendants, ABC CORPORATIONS 1-10, directly, and/or by and through their agents, servants, and/or employees, were negligent in that they:

- a. Deviated from accepted standards of medical care;
- b. Failed to exercise the degree of skill and care commonly exercised by other entities and/or medical practices providing similar medical services, surgery and/or treatment of patients;
- c. Failed to properly select, train, and/or supervise its agents, servants, and/or employees;

d. Were otherwise negligent.

4. In addition to the direct claims against Defendants, ABC CORPORATIONS 1-10, referenced herein, the other described activities of Defendants, ABC CORPORATIONS 1-10, through their agents, servants, and/or employees, and the injuries and damages that Plaintiffs' decedent, ELIZABETH RIVERA, sustained from the aforementioned negligent conduct, is the responsibility of Defendants, ABC CORPORATIONS 1-10 under the principles of vicarious liability and/or of *respondeat superior*.

5. As a direct and proximate result of the negligence of Defendants, ABC CORPORATIONS 1-10, Plaintiffs' decedent, ELIZABETH RIVERA endured conscious pain and suffering, disability, impairment, loss of enjoyment of life, fear of impending death, and otherwise sustained permanent injuries that caused her death.

6. As a direct and proximate result of the negligence of Defendants, ABC CORPORATIONS 1-10, the Estate of ELIZABETH RIVERA, was responsible for hospital, medical, funeral, and/or other expenses related to her death.

7. As a direct and proximate result of the negligence of Defendants, ABC CORPORATIONS 1-10, the survivors of Plaintiff's decedent, ELIZABETH RIVERA, have suffered pecuniary and other injuries, including, but not limited to, loss of financial support, companionship, advice, and guidance.

**WHEREFORE**, Plaintiff, FERGIE RIVERA-ROMERO, Administratrix of the Estate of ELIZABETH RIVERA, deceased, demands judgment against the Defendants, ABC CORPORATIONS 1-10, jointly and/or severally, for damages, interest, attorneys' fees, and costs of suit.

### **ELEVENTH COUNT**

1. Plaintiffs repeat each and every allegation of the Factual Background, First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Tenth Counts as if same were set forth at length herein.

2. Plaintiffs, FERGIE RIVERA-ROMERO and ANTHONY RIVERA, observed the injuries to their daughter, Plaintiff's decedent, ELIZABETH RIVERA, and ultimately her death.

3. As a direct and proximate result of witnessing Plaintiffs' decedent, ELIZABETH RIVERA's death, and associating it to the aforesaid negligence of Defendants, ZUFALL HEALTH CENTER; ZHC DOVER MEDICAL; JANICE TAITEL, M.D.; VANESSA SAMEDI, M.D.; HACKETTSTOWN MEDICAL CENTER; WILLIAM CARLE, M.D.; JULIA WALTER, R.N.; KEITH ZDZIARSKI, R.N, JOHN DOES 1-10, and ABC CORPORATIONS 1-10, Plaintiffs, FERGIE RIVERA-ROMERO and ANTHONY RIVERA, have sustained severe emotional distress.

**WHEREFORE**, Plaintiffs, FERGIE RIVERA-ROMERO and ANTHONY RIVERA, individually, demands judgment against Defendants, ZUFALL HEALTH CENTER; ZHC DOVER MEDICAL; JANICE TAITEL, M.D.; VANESSA SAMEDI, M.D.; HACKETTSTOWN MEDICAL CENTER; WILLIAM CARLE, M.D.; JULIA WALTER, R.N.; KEITH ZDZIARSKI, R.N, JOHN DOES 1-10, and ABC CORPORATIONS 1-10, for damages, together with interest, attorneys' fees, and costs of suit.

**JURY DEMAND**

Plaintiff hereby demands trial by jury as to all matters herein.

**TRIAL DESIGNATION**

Pursuant to Rule 4:25-4, Ernest P. Fronzuto, Esq. is hereby designated as trial counsel for the within matter.

**DEMAND FOR DISCOVERY OF INSURANCE COVERAGE**

Pursuant to Rule 4:10-2 (b), demand is made that Defendants disclose to Plaintiff's attorney whether or not there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action; or indemnify or reimburse for payments made to satisfy the judgment; and provide Plaintiff's attorney with true copies of those insurance agreements or policies, including, but not limited to, any and all declaration sheets. This demand shall include and cover not only primary coverage, but also any and all excess, catastrophe, and umbrella policies.

**CERTIFICATION PURSUANT TO RULE 4:5-1**

I certify, pursuant to Rule 4:5-1, that the matter in controversy is not the subject of any other action or arbitration proceeding, now or contemplated, and that no other parties should be joined in this action at this time.

FRONZUTO LAW GROUP

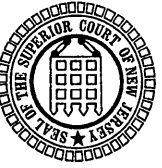

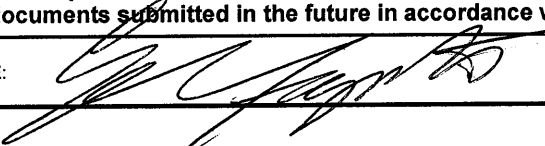
Attorneys for the Plaintiffs, Fergie Rivera-Romero,  
Administratrix of the Estate of Elizabeth Rivera,  
and Fergie Rivera-Romero and Anthony Rivera,  
individually.

By: 

ERNEST P. FRONZUTO

Dated: February 20, 2020

**Appendix XII-B1**

	<b>CIVIL CASE INFORMATION STATEMENT (CIS)</b>		<b>Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed</b>		<b>FOR USE BY CLERK'S OFFICE ONLY</b> PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA CHG/CK NO. AMOUNT: OVERPAYMENT: BATCH NUMBER:
	ATTORNEY / PRO SE NAME ERNEST P. FRONZUTO, ESQ.		TELEPHONE NUMBER (973) 345-6300		COUNTY OF VENUE Morris
	FIRM NAME (if applicable) FRONZUTO LAW GROUP			DOCKET NUMBER (when available)	
	OFFICE ADDRESS 200 BROWERTOWN ROAD WOODLAND PARK, NJ 07424			DOCUMENT TYPE COMPLAINT	
				JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
NAME OF PARTY (e.g., John Doe, Plaintiff) Rivera, Elizabeth, a minor, Estate of, v. Zufall Health Center, et al.		CAPTION Fergie Rivera-Romero, Administratrix of the Estate of Elizabeth Rivera, deceased, and Fergie Rivera-Romero and Anthony Rivera, individually, v. Zufall Health Center, et al.			
CASE TYPE NUMBER (See reverse side for listing) 604	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.			
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS			
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN			
<b>THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.</b>					
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION					
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> YES <input checked="" type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS			
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION					
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION			
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> No		IF YES, FOR WHAT LANGUAGE?			
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).					
ATTORNEY SIGNATURE: 					

Side 2



# CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1***CASE TYPES** (Choose one and enter number of case type in appropriate space on the reverse side.)**Track I - 150 days' discovery**

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

**Track II - 300 days' discovery**

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE – PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE – PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE – PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT – OTHER

**Track III - 450 days' discovery**

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

**Track IV - Active Case Management by Individual Judge / 450 days' discovery**

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

**Multicounty Litigation (Track IV)**

- |   |   |
|---|---|
| 271 ACCUTANE/ISOTRETINOIN               | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 274 RISPERDAL/SEROQUEL/ZYPREXA          | 297 MIRENA CONTRACEPTIVE DEVICE                           |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL  | 299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR              |
| 282 FOSAMAX                             | 300 TALC-BASED BODY POWDERS                               |
| 285 STRYKER TRIDENT HIP IMPLANTS        | 601 ASBESTOS  |
| 286 LEVAQUIN                            | 623 PROPECIA  |
| 287 YAZ/YASMIN/OCELLA                   | 624 STRYKER LFIT CoCr V40 FEMORAL HEADS                   |
| 289 REGLAN                              | 625 FIREFIGHTER HEARING LOSS LITIGATION                   |
| 291 PELVIC MESH/GYNECARE                | 626 ABILIFY   |
| 292 PELVIC MESH/BARD                    | 627 PHYSIOMESH FLEXIBLE COMPOSITE MESH                    |
| 293 DEPUY ASR HIP IMPLANT LITIGATION    | 628 TAXOTERE/DOCETAXEL                                    |
| 295 ALLODERM REGENERATIVE TISSUE MATRIX | 629 ZOSTAVAX  |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category

☐

Putative Class Action

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